

**Title 29.1 GAME, INLAND FISHERIES AND BOATING**  
**Statutory changes to Virginia CZMP enforceable policies: Chapter 1-**  
**Administration of Game and Inland Fisheries, Chapter 3- Licenses,**  
**Chapter 4- Permits Required, and Chapter 5- Wildlife and Fish Laws**

**CHAPTER 1**

<b>Statutory Change</b>	<b>Status of Law in 1986</b>	<b>Change to Law Since 1986</b>	<b>Significance of Change</b>
§ 29.1-101.9 Requirement for Fisheries	Enacted 1989, c. 5. [supplementing former §29-151 in originally approved CMP]	<ul style="list-style-type: none"> <li>Expands requirement in former §29-151 for removal of obstructions. Required the owner of every dam or other artificial impediment to the migration of anadromous fish in any tributary of the Chesapeake Bay to provide and construct fishways, after being offered funding, that ensures substantially free passage for anadromous fish.</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. This section was added to ensure that fishways would be provided for in addition to § 29.1-532 (former §29-151). The existing CMP requires the Commission to ensure Virginia's tidal rivers are open for the free passage of anadromous fish to their ancestral spawning grounds.</li> </ul>
§ 29.1-102 Board of Game and Inland Fisheries; how constituted; meetings	Part of the original CMP approval [was §§ 29-3, 29-4, 29-8, 29-17]	<ul style="list-style-type: none"> <li>Changed the name of the Commission of Game and Inland Fisheries to the Board of Game and Inland Fisheries (1987, c. 488).</li> <li>Required the Board to develop a Governance Manual that sets forth rules and procedures for the conduct of the Board's business (2006, cc. 69, 915).</li> <li>Delineated the duties of the chairman of the Board (2006, cc. 69, 915).</li> <li>Subjected the Director of the Department of Game and Inland Fisheries to confirmation and reconfirmation by the General Assembly every four years (2006, cc. 69, 915).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. The Board's power is derived from the explicit duties and power previously held by the Commission to promulgate rules and regulations for the preservation and protection of fish in the inland waters of Virginia.</li> <li>Not a substantial change. The Commission was previously required to elect an Executive Director under former § 29-8. The change strengthens the accountability of the Director.</li> <li>Does not substantially change uses or authority subject to management under the CMP, special management areas,</li> </ul>

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			authorities and organization, coordination, public involvement and national interest.
§ 29.1-103 Powers and Duties of the Board	Part of the original CMP approval [was §§ 29-11, 29-8, 29-6]	<ul style="list-style-type: none"> <li>• Omitted statement, “to employ speakers and lecturers to disseminate information concerning the wildlife of the State and the protection, replenishment and propagation thereof.</li> <li>• Omitted permissive statement allowing “educational television entities to use land under the jurisdiction of the Commission for the site location of towers and other transmission equipment” (1987, c. 488).</li> <li>• Inserted language formerly contained in § 29-6 (now subsection 12) to read, “Adopt resolutions or regulations conferring upon the Director all such powers, authorities, and duties as the Board possesses and deems necessary or proper to carry out the purposes of this title (1987, c. 488).</li> <li>• Amended Board’s tasks to include the administration and management of the Virginia Fish Passage Grant and revolving Loan Fund (1992, c. 887).</li> <li>• Allowed the Board to establish admittance, parking, or other use fees at Department owned facilities (2003, c. 562).</li> <li>• Authorized the Board to establish an annual</li> </ul>	<ul style="list-style-type: none"> <li>• Not a substantial change. Educational activities formerly found under Va. Code § 29-11 <i>et seq</i> are largely preserved under § 29.1-103.</li> <li>• See <i>above</i></li> <li>• Not a substantial change. Under the existing CMP, the Commission possesses the power adopt regulations to carry out the purposes of the title.</li> <li>• Does not substantially change uses or authority subject to management under the CMP, special management areas, authorities and organization, coordination, public involvement and national interest. Under the existing CMP, the Commission is vested with the authority to conduct operations and</li> </ul>

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		<p>hunting stamp (2004, c. 280).</p> <ul style="list-style-type: none"> <li>Authorized the Board, subject to explicit restrictions, to revise hunting, fishing, and trapping fees through the promulgation of regulations. The fees cannot be changed more than once every three years (2004, c. 1027; 2007, c. 35).</li> </ul>	<p>activities to preserve and protect inland fisheries.</p> <p>Does not substantially change uses or authority subject to management under the CMP. Under the existing CMP, the Commission is required to establish fees. A revision of these explicit fees ensures that the Board is up to date with markets and the availability of certain fish.</p>
§ 29.1-109 Department of Game and Inland Fisheries; Director	Part of the original CMP approval [was §§ 29-8; 29-15, 29-16; 29-1.1; 29-14; 29-2; 29-13]	<ul style="list-style-type: none"> <li>Substituted Board for Commission.</li> <li>Defined the role and duties of the Department of Game and Inland Fisheries (1987, c. 488; 1999, c. 215).</li> <li>Required the Board to appoint a Director (1987, c. 488).</li> <li>Amended the Director's duties to include: enforcement power of all laws for the protection, propagation of all fish in the inland waters; initiate prosecution against those who violate the law and who seize wild animals and fish that they have illegally killed, caught, transported or shipped; make and enter into all contracts and agreements necessary for the performance of the Director's duties; and to consult with and keep abreast of the activities of wildlife and boating organizations (1987, c. 488; 1999, c.</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. The Department's power is largely derived from the explicit duties and power previously held by the Commission to enforce all laws that protect and preserve all fish in the inland waters of Virginia pursuant to the CMP.</li> <li>The duties of the Director are generally consolidated into one section and are uniform with former §§ 29-8; 29-16; 29-1.1; 29-15; 29-14; 29-2; 29-13. The added duties clarify the role of the Department and the Director under the existing CMP.</li> </ul>

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215; 2000, c. 10; 2006, cc. 69, 915).

**CHAPTER 3**

<b>Statutory Change</b>	<b>Status of Law in 1986</b>	<b>Change to Law Since 1986</b>	<b>Significance of Change</b>
§ 29.1-300 Unlawful to hunt, trap or fish without a license	Part of the original CMP approval [was § 29.51]	<ul style="list-style-type: none"> <li>Substituted “Commonwealth” for “State” (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change.</li> </ul>
§ 29.1-335 Hunting, trapping, or fishing without a license	Part of the original CMP approval [was § 29-75]	<ul style="list-style-type: none"> <li>Specified that the purchase of a license subsequent to arrest or notice of summons does not relieve a person from penalty of the section (1987, c. 488).</li> <li>Included provision that mandates a violator of the section to be guilty of a Class 3 misdemeanor (1989, c. 421).</li> <li>Amendment expanded the term license to include “any temporary license issued by a clerk or agent to a buyer and authorized to be used in a manner prescribed by the Director” (2000, c. 132).</li> </ul>	<ul style="list-style-type: none"> <li>Does not substantially change uses or authority subject to management under the CMP. General penalties for violators were previously authorized under § 29-75.</li> <li><i>See above</i></li> <li>Not a substantial change. Former § 29-75 previously required a license to fish in Virginia’s inland waters. The inclusion of a temporary license in the list of required licenses does not substantially change uses or authority subject to management under the CMP.</li> </ul>

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**CHAPTER 4**

<b>Statutory Change</b>	<b>Status of Law in 1986</b>	<b>Change to Law Since 1986</b>	<b>Significance of Change</b>
§ 29.1-412 Permits Required	Part of original CMP approval [was § 29-103, 29-116]	<ul style="list-style-type: none"> <li>Deleted redundant references to wild birds and animals in permit section.</li> <li>Substituted “Class 4 misdemeanor” for the prescribed fine. (1987, c. 488)</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. Simplified language requiring permit; and replaced \$100 fine with reference to Virginia’s schedule of offenses.</li> </ul>
§ 29.1-416 Netting fish	Part of original CMP approval [was § 29-110]	<ul style="list-style-type: none"> <li>Substituted “three dollars and fifty cents” for “two dollars”, substituted “seventeen dollars and fifty cents” for “ten dollars” and substituted “forty five dollars” for “twenty five dollars” (1988, c. 250).</li> <li>Added annual \$350 nonresident harvester’s permit fee for each boat used to take or catch fish in Back Bay and its tributaries. (1989, c. 692).</li> <li>Omitted fyke net from the list of specified nets requiring a permit (1997, c. 57).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. The Commission was required under former § 29-110 to establish permit fees. The amendments do not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP.</li> <li>Not a substantial change. The amendment does not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP.</li> </ul>

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**CHAPTER 5**

<b>Statutory Change</b>	<b>Status of Law in 1986</b>	<b>Change to Law Since 1986</b>	<b>Significance of Change</b>
§ 29.1-501 Promulgation of Regulations; publication of proposed regulations or change therein; validation; evidentiary nature of publication	Part of the original CMP approval [was §§ 29-125, 29-126]	<ul style="list-style-type: none"> <li>• Subsection A specifically states, “The Board may promulgate regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish” (1987, c. 488).</li> <li>• Amended the publication requirements for proposed regulations (1987, c. 488).</li> <li>• Changed the place of filing proposed regulations to the Virginia Register of Regulations and omitted filing deadlines (1987, c. 488).</li> <li>• Omitted “Executive” and “Commission” (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>• Not a substantial change. The Commission’s existing authority under the CMP requires it to promulgate rules and regulations relating to the hunting, taking, capture, killing, possession sale, purchase, shipment, transportation, carriage or export of any fish from the inland waters as found under former § 29-125.</li> <li>• Not a substantial change. The Commission is required under former § 29-126 to publish and file proposed regulations. The filing and publications amendments do not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP.</li> </ul>
§ 29.1-502 Adoption of	Part of the original CMP	<ul style="list-style-type: none"> <li>• Substituted “Board” for “Commission” and</li> </ul>	<ul style="list-style-type: none"> <li>• Does not substantially change the uses</li> </ul>

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regulations	approval [was § 29-127]	<p>amended Board's procedural guidelines to adopt regulations and amendments to regulations (1987, c. 488).</p> <ul style="list-style-type: none"> <li>Deleted the manner in which a regulation or part thereof is overruled or repealed (1987, c. 488).</li> </ul>	<p>subject to management, the special management areas, and the authorities and organizations under the CMP.</p> <ul style="list-style-type: none"> <li>Procedural change. Does not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP.</li> </ul>
§ 29.1-504 Annual publication of laws and regulations	Part of the original CMP approval [was § 29-128.1]	<ul style="list-style-type: none"> <li>Substituted "Board" for "Commission" (1987, c. 488).</li> <li>Modified the clause addressing publication of laws by replacing "shall be published once per year" with "shall be published annually" (1987, c. 488).</li> <li>Deleted subsection B "In addition to the requirements of Subsection A, the Commission shall furnish the chairmen of the Rules Committees, and the appropriate standing committees, of each house of the General Assembly, by January seven of each year, a copy of any regulation adopted by the Commission during the proceeding calendar year which restricted, amended, or modified the effect of any statute, specifying the statute affected" (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. The Commission is required under former § 29-128.1 to annually publish and file laws and regulations in a handbook or pamphlet. The amendments do not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP.</li> </ul>
§ 29.1-505 Penalty for violation of regulations	Part of the original CMP approval [was § 29-129]	<ul style="list-style-type: none"> <li>Replaced penalty for violating a regulation from "not less than \$10 nor more than \$100 and may be sentenced to 30 days in jail,</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. Former § 29-129 previously established penalties (misdemeanor) for the violation of a</li> </ul>

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		either or both” to “a Class 3 misdemeanor unless another penalty is specified” (1987, c. 488; 1988, c. 19).	regulation. The amendments do not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP.
§ 29.1-505.1- Conspiracy; penalty	Enacted in 1989, c. 362.	<ul style="list-style-type: none"> <li>Added penalty for conspiring to commit any offense defined in Title 29.1 or any of the regulations of the Board of Game and Inland Fisheries.</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change. Conspiracy is punishable as a common law offense.</li> </ul>
§ 29.1-506 Prescribing seasons, bag limits and methods of taking and killing fish and game on lands and waters owned or controlled by the Board	Part of the original CMP approval [was § 29-129.1]	<ul style="list-style-type: none"> <li>Language of the section modified by omitting the phrase “Notwithstanding any other provisions hereafter enacted or ordained of local or special law, or any local ordinance” (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change.</li> </ul>
§ 29.1-507 Closing or shortening open season	Part of the original CMP approval [was § 29-130]	<ul style="list-style-type: none"> <li>Substituted “Board” for “Commission” (1987, c. 488).</li> <li>Minor stylistic changes (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change.</li> </ul>
§ 29.1-508 Board to prescribe seasons, bag limits and methods of taking and killing fish and game on lands and waters owned or controlled by the Board.	Part of the original CMP approval [was § 29-130.1]	<ul style="list-style-type: none"> <li>Substituted “Board” for “Commission of Game and Inland Fisheries” (1987, c. 488).</li> <li>Minor stylistic changes (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change.</li> </ul>
§ 29.1-531 Unlawful to take or attempt to take, possess, sell or transport	Part of the original CMP approval [was § 29-148]	<ul style="list-style-type: none"> <li>Substituted “Board” for “Commission” and omitted public hearing requirement (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>Not a substantial change.</li> </ul>

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fish except as permitted

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| <ul style="list-style-type: none"> <li>• Expanded prohibitions from species of trout and bass to any species of game fish and narrowed the prohibited methods of catch, transport and delivery of game fish (1987, c. 488).</li> <li>• Stipulated the prohibition that specified fish in the listed areas cannot be sold for “commercial purposes” (1987, c. 488).</li> <li>• Amended prohibition on catching bass, trout and perch and included all “game fish” (1987, c. 488).</li> <li>• Changed penalty from “misdemeanor” to “Class 2 misdemeanor” (1987, c. 488).</li> <li>• Substituted “by this article” with “law and only by the means and within the numbers slated” (1994, c. 413).</li> <li>• Excluded “offer for sale, sell, offer to purchase, purchase” from the list of prohibited ways to take any species of game fish or the carcass, or any part thereof from subsection B and moved it to subsection E (1994, c. 848).</li> <li>• Added subsection E that makes it “unlawful to offer for sale, sell, offer for purchase, or purchase at any time or in any manner species of game fish or the carcass or any part thereof, except as specifically permitted by law and only by the mean and within the</li> </ul> | <ul style="list-style-type: none"> <li>• Not a substantial change. Former § 29-148 placed fishing restrictions on certain species of fish within the inland waters of Virginia.</li> <li>• Not a substantial change. The Commission was vested with the authority under former § 29-148 to adopt rules and regulations to control fishing.</li> <li>• Not a substantial change. Former § 29-148 previously established penalties (misdemeanor) for the violation of this section or regulation.</li> <li>• Not a substantial change. Technical change.</li> <li>• Not a substantial change. Former § 29-148 previously included a broad provision prohibiting the catch, capture, kill, take possess, deliver, or transport any species of game fish except as provided by law. The inclusion of</li> </ul> |
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		<p>numbers stated. A violation of the provisions of this subsection shall be punishable as provided in § 29.1-553” (1994, c. 848).</p> <ul style="list-style-type: none"> <li>• Amended the clause addressing the legality of selling trout lawfully acquired by omitting “for human consumption” (2000, c. 403).</li> <li>• Expanded Board’s mandate to establish a system of trout identification offered for sale for table “or other uses as directed by the Board” (2000, c. 403).</li> </ul>	<p>selling or purchasing such game fish simply provides for explicitly that which was implicit in former § 29-148.</p> <ul style="list-style-type: none"> <li>• Not a substantial change. Former § 29-148 previously included allowances for the lawful sale and purchase of trout.</li> <li>• Not a substantial change. The amendment does not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP. The Board is required under the CMP to protect and preserve all inland fish.</li> </ul>
§ 29.1- 532 Dams and ishways	Part of original CMP approval [was §29-151]	<ul style="list-style-type: none"> <li>• Amended to change “State” to “Commonwealth,” remove list of river segments not under the section, and to eliminate exemption on dams 20 or more feet in height, and to change fines from \$1/day to 1 percent of construction or destruction cost of fishway/obstacle. (1987, c. 488).</li> </ul>	<ul style="list-style-type: none"> <li>• Not a substantial change. The amendment does not substantially change the uses subject to management, the special management areas, and the authorities and organizations under the CMP. The Board is required under the CMP to protect and preserve all inland fish.</li> </ul>
§ 29.1-566 Regulations.	Not submitted as part of original CMP approval [was §§ 29-233, 29-234]; Regulatory authority was also in §§29-11 and 29- 126, 29-125 which were	<ul style="list-style-type: none"> <li>• Authorized the Board to prohibit by regulation the taking, transportation, processing, sale, or offer for sale within the Commonwealth of any threatened or endangered species of fish or wildlife. Board authorized to adopt federal list, and to</li> </ul>	<ul style="list-style-type: none"> <li>• Not a substantial change in species covered or other issues. The Commission was authorized under former §29-11 to “adopt such other means as it may deem necessary to restock, replenish and increase any</li> </ul>

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part of CMP.	consider recommendations from the Department of Conservation and Recreation and from other reliable data sources before by regulation, declaring a species not on the federal list endangered or threatened. (refs. to Board and DCR added 1987, c. 488, 1989, c. 553)	depleted native species of game birds, game animals, or fish”, and all powers to provide for “conservation, replenishment, propagation of and increasing the supply of ...fish and other wildlife.” Commission authorized to regulate taking, fishing, sales, etc. under former §§29-125, 29-126.
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